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11 *Attorneys for Plaintiff / Counter-Defendant*  
12 *Nevada Controls, LLC*

13 UNITED STATES DISTRICT COURT

14 DISTRICT OF NEVADA

15 \* \* \*

16 NEVADA CONTROLS, LLC, a Nevada  
17 Limited Liability Company,

18 Case No.: 3:12-cv-00068-HDM-VPC

19 Plaintiff,

20 v.

21 WIND PUMP POWER, LLC, a Kansas  
22 Limited Liability Company, SUNFLOWER  
23 WIND, LLC, a Kansas Limited Liability  
24 Company; DAN RASURE, an individual,

25 **NOTICE TO THE COURT  
REGARDING DEFENDANT  
SUNFLOWER WIND, LLC'S  
FAILURE TO COMPLY  
WITH THE COURT'S ORDER  
TO PROVIDE DISCOVERY  
REONSES**

26 Defendants.  
27 \_\_\_\_\_ /

28 This matter came before Magistrate Judge Valerie Cooke on December 7, 2012,  
for a status conference. At the time of that hearing, the Court ordered that all  
Defendants shall provide their discovery responses (which were previously compelled  
by the Court) no later than December 14, 2012. (See Doc. #49). Discovery responses  
were received only from Defendants Rasure and Wind Pump Power, LLC, although  
those discovery responses were still incomplete, which will necessitate further motion  
practice with this Court since efforts to meet and confer have failed.

29 However, Defendant Sunflower Wind, LLC failed to serve its discovery  
30 responses by December 14, 2012 as ordered by the Court. (See attached Declaration

1 of Leigh Goddard, Ex. 1). Although there have been subsequent discussions between  
2 counsel since the December 14, 2012, Sunflower Wind still has not served the  
3 discovery responses. Therefore, this Notice is filed to inform the Court that Defendant  
4 Sunflower Wind has failed to comply with the Court's Order.

5 Respectfully submitted: February 25, 2013.

6 McDonald Carano Wilson LLP

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8 LEIGH GODDARD  
9 JESSICA WOELFEL

10 Attorneys for Plaintiff / Counter-Defendant  
11 Nevada Controls, LLC

## **CERTIFICATE OF SERVICE**

I hereby certify, under penalty of perjury, that I am an employee of McDonald Carano Wilson LLP and that pursuant to LR 5-3 I caused to be electronically filed on this date a true and correct copy of the foregoing document with the Clerk of the Court using the CM/ECF system which will automatically e-serve the same on the attorney set forth below:

Mark Goodman  
Goodman Law Center, P.C.  
348 Mill Street  
Reno, NV 89501

DATED: February 25, 2013.

Pamela Miller

**McDONALD.CARANO.WILSON**  
100 WEST LIBERTY STREET, 10<sup>TH</sup> FLOOR • RENO, NEVADA 89501  
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## **EXHIBIT 1**

**EXHIBIT 1**

1 LEIGH GODDARD, NV Bar #6315  
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11 *Attorneys for Plaintiff / Counter-Defendant*  
12 *Nevada Controls, LLC*

13 UNITED STATES DISTRICT COURT

14 DISTRICT OF NEVADA

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16 NEVADA CONTROLS, LLC, a Nevada  
17 Limited Liability Company,

18 Case No.: 3:12-cv-00068-HDM-VPC

19 Plaintiff,

20 v.

21 WIND PUMP POWER, LLC, a Kansas  
22 Limited Liability Company, SUNFLOWER  
WIND, LLC, a Kansas Limited Liability  
Company; DAN RASURE, an individual,

23 DECLARATION OF LEIGH GODDARD  
IN SUPPORT OF NOTICE TO THE  
COURT REGARDING  
SUNFLOWER WIND, LLC

24 Defendants.

25 I, LEIGH GODDARD, do hereby swear under penalty of perjury that the  
26 assertions of this Declaration are true.

27 1. I am over the age of 18 years and a resident of Washoe County, Nevada.  
I make this affidavit based upon personal knowledge, except where stated to be upon  
information and belief, and as to that information, I believe it to be true. If called upon  
to testify as to the contents of this Declaration, I am legally competent to testify to the  
contents of the Declaration in a court of law.

28 ///

1       2. This Declaration is submitted in support of the Plaintiff Nevada Controls,  
 2 LLC ("Nevada Controls") Notice to the Court Regarding Sunflower Wind. I certify that I  
 3 have reviewed the content of the Notice and believe its contents to be true and correct.

4       3. I am a partner in a law partnership known as McDonald Carano Wilson  
 5 LLP, and I have been a lead counsel in prosecuting Nevada Controls' claims in this  
 6 action.

7       4. I appeared at the status conference with Magistrate Judge Cooke on  
 8 December 7, 2012, at which time Defendants were ordered to provide, no later than  
 9 December 14, 2012, their responses to Nevada Controls' discovery requests.

10      5. Defendants Rasuer and Wind Pump Power provided responses to the  
 11 discovery requests as ordered, although the responses were deficient and will be the  
 12 subject of further motion practice before this Court.

13      6. However, Defendant Sunflower Wind did not provide its discovery  
 14 responses as ordered.

15      7. In a December 14, 2012 e-mail accompanying the discovery responses of  
 16 Rasuer and Wind Pump Power, attorney Mark Goodwin indicated that Defendant  
 17 Sunflower Wind could no longer defend this action. Of course, this explanation of  
 18 counsel did not resolve the failure to comply with the Court's order.

19      8. Further attempts were made to reach Mr. Goodwin via telephone and e-  
 20 mail to discuss the failure of Sunflower Wind to provide discovery responses as  
 21 ordered.

22      9. Finally, in response to my e-mails, on January 30, 2013, Mr. Goodwin  
 23 indicated that no later than February 5, 2013, Sunflower Wind would either provide  
 24 discovery responses or withdraw its answer to the Complaint.

25      10. Once again, Sunflower Wind has taken no action by February 5, 2013.

26      11. Accordingly, notice is provided to the Court that Sunflower Wind is in  
 27 further violation of the Court's order for failing to respond to provide its discovery  
 28 responses as ordered.

1 I, Leigh Goddard, do hereby affirm under penalty of perjury that the assertions in  
2 this Declaration are true.

3 DATED: February 25, 2013

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6 LEIGH GODDARD

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